

CHARLES W. BROOKS.

[To accompany Bill H. R. No. 214.]

MARCH 19, 1850.

Mr. FENTON, from the Committee on Invalid Pensions, made the following

REPORT.

The Committee on Invalid Pensions, to whom was referred the petition of Charles W. Brooks, praying for an invalid pension, report :

That from the papers accompanying the petition the following facts are established :

The petitioner was a private in Captain Kimball H. Dimmick's company "R," of the 7th regiment, New York volunteers, which served in California during the Mexican war ; that he enlisted in the summer of 1846, and served until the end of the war, in 1848, when he was honorably discharged ; that while in said service in California, and in the line of his duty, he incurred an injury or disability which has ever since rendered him incapable of performing physical labor. It appears that in the month of July, 1847, said Brooks was detailed to serve in the quartermaster's department, and while serving therein was much of the time employed, under the direction of his superior officers, in transporting stores with wagon and cattle from San Francisco to the barracks, some three miles from the coast ; that at night the cattle used by him were turned loose among the chaparral to feed, and would sometimes wander several miles from the barracks ; that on one occasion, near the last of July, 1847, and at several other times, while said Brooks was hunting for said cattle, by the orders of his superior officer, he was poisoned while riding through the chaparral by unavoidably coming in contact with a bush or plant called in California the "poison tree ;" that for several weeks he was confined to his room, during which time his legs and arms were badly swollen, his eyesight nearly destroyed, and his limbs and body covered with sores ; that his health became somewhat better, so as to enable him to resume his duty, and to serve until the close of the war ; but he never recovered his health entirely, and has been almost continually sick from that time to the present from the effects of said poison, and his general health is now totally broken down and destroyed in consequence of the same ; that in September, 1849, he returned to his home

in Chenango county, New York, and has ever since been unable to labor.

These facts are most abundantly sustained by the proofs submitted, among which are the affidavits of Captain Dimmick and Lieutenant Perlee, of company "R" aforesaid. Captain Dimmick states that, in his opinion, from all the facts within his knowledge, the "said Brooks is honorably and legally entitled to a pension by reason of disability incurred in the military service of the United States, and in the line of his duty." This statement from an honorable and gallant officer, though by no means conclusive, is entitled to much respect.

In the opinion of your committee, the petitioner is entitled to an invalid pension, at the rate of eight dollars per month, commencing on the 1st day of January, 1860; and they therefore report back to the House the accompanying bill, and recommend its passage.